

REMARKSA. Background

Claims 1, 3-5, 10-13, 15-17, 19-21, 24, 26 and 29-34 were pending in the application at the time of the Office Action. Claims 1, 3-5, 10, 11, 15-17, 19, 21, 24, 26, 29-32, and 34 were rejected as being anticipated and/or obvious over cited prior art. Claims 12, 13, 20, and 33 were objected to for depending on a rejected base claim. By this response applicant has amended claims 1, 13, 21, 24, 26, 32, and 34; cancelled claims 10-12, 29, 30, and 33; and added new claims 35-44. As such, claims 1, 3-5, 13, 15-17, 19-21, 24, 26, 31-32, and 34-44 are presented for the Examiner's consideration in light of the following remarks.

B. Consideration of IDS

Initially, applicant notes that a Second Supplemental Information Disclosure Statement was filed by the applicant in the present application on December 17, 2004 by Express Mail and was thus received by the Patent Office on December 17, 2004. The present Office Action, however, fails to acknowledge receipt of the Second Supplemental IDS or return an initialed copy of the corresponding Form PTO-1449. The Office Action may have been issued prior to the Second Supplemental IDS being matched with the file. In any event, enclosed please find a duplicate copy of the Form PTO-1449 submitted with the Second Supplemental IDS and a copy of the stamped, returned postcard confirming receipt of the Second Supplemental IDS by the Patent Office. Applicant respectfully requests that the Examiner acknowledge receipt and consideration of the references by initialing and returning a copy of the Form PTO-1449. The Examiner is respectfully requested to contact the applicant if an additional copy of the references is required.

C. Proposed Claim Amendments

Applicant has herein amended claims 1, 13, and 21 and added new claims 35-40. The amendments to claim 1 are supported by claims 10-12 as originally filed. Claim 13 has been amended to depend from claim 1. The amendments to claim 21 are supported by previously pending claim 33. The amendments to claims 24, 26, 32, and 34 are supported by original claim 21. New claim 35 is supported by originally claims 1 and 20. New claim 36 is supported by originally claims 1 and 10-12. New claim 37 is supported by original claim 13. New claim 38 is supported by original claims 1 and 20. New claim 39 is supported by original claims 21 and 33. New claim 40 is supported by original claim 34. Finally, new claims 41-44 are supported by original claims 10-13 and 21. In view of the foregoing, applicant respectfully submits that the amendments to the claims do not introduce new matter, and entry thereof is respectfully requested.

D. Rejection on the Merits

Claims 1, 3-5, 10, 11, 15-17, 19, 21, 24, 26, 29-32, and 34 were rejected as being obvious over cited prior art. Claims 12, 13, 20, and 33 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 1 has been amended to incorporate the limitations of claims 10-12. As such, applicant respectfully submits that claim 1 is allowable for at least the same reasons that claim 12 was considered to be allowable in the Office Action. Claim 3-5, 13, 15-17, 19-20 and 31 depend from claim 1 and thus incorporate the limitations thereof. As such, applicant respectfully submits that claims 2-5, 13, 15-17, 19-20 and 31 are allowable for at least the same reasons as discussed above with regard to claim 1.

Claim 21 has been amended to incorporate the limitations of claim 33. As such, applicant respectfully submits that claim 21 is allowable for at least the same reasons that claim 33 was considered allowable in the Office Action. Claims 24, 26, 32, and 34 depend from claim 21 and thus incorporate the limitations thereof. As such, applicant respectfully submits that claims 24, 26, 32, and 34 are allowable for at least the same reasons as discussed above with regard to claim 21.

New claim 35 is a combination of previously pending claims 1 and 20. As such, applicant respectfully submits that new claim 35 is allowable for at least the same reasons that claim 20 was considered to be allowable in the Office Action.

New claim 36 is the same as claim 1 as amended herein, except that the limitation of "a foot attached to the movable component and pivotable relative thereto," as recited in claim 1, is not included in claim 36. The Office Action states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached a foot to the movable component of Cohen '172 so as to be pivotable relative thereto." Office Action, page 3. Accordingly, as the "foot" element is not considered by the Examiner to provide novelty over the cited prior art references, applicant respectfully submits that the element is not required to distinguish amended claim 36 over the cited prior art. As such, applicant respectfully submits that new claim 36 is allowable for at least the same reasons that claim 1, as discussed above, is allowable.

New claim 37 depends from claim 36 and thus incorporates the limitations thereof. As such, applicant respectfully submits that new claim 37 is allowable for at least the same reasons as discussed above with regard to claim 36.

In addition, new claims 38 and 39 are identical to the above discussed independent claims 35 and 21, respectfully, except that in each claim 38 and 39 the limitation of the "foot attached to the

movable component and pivotable relative thereto," as recited in claims 35 and 21, has been eliminated. As previously discussed above with regard to claim 36, applicant respectfully submits that the "foot" element is not necessary to distinguish the claims over the cited prior art. As such, applicant respectfully submits that claims 38 and 39 are allowable for at least the same reasons as discussed above that claims 35 and 21, respectively, are allowable.

Claim 40 depends from claim 39 and thus incorporates the limitations thereof. As such, applicant respectfully submits that claim 40 is allowable for at least the same reasons that claim 39 is considered allowable.

New claim 41 is the combination of claim 21 and claims 10-12. As such, applicant submits that claim 41 is allowable for at least the same reasons that claim 12 was considered allowable in the Office Action.

New claims 43 is identical to claim 41 except that the "foot" element has been eliminated from claim 43. As previously discussed above with regard to claim 36, applicant respectfully submits that the "foot" element is not necessary to distinguish the claim over the cited prior art. As such, applicant respectfully submits that claim 43 is allowable for at least the same reasons as discussed above with regard to claim 41.

Finally, new claims 42 and 44 depend from claim 41 or 43 and thus incorporate the limitations thereof. As such, applicant respectfully submits that claims 42 and 44 are allowable for at least the same reasons that claims 41 and 43 are considered allowable.

No other objections or rejections are set forth in the Office Action.

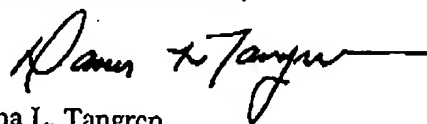
E. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1, 3-5, 13, 15-17, 19-21, 24, 26, 31-32 and 34-44 as amended and presented herein. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 18 day of February 2005.

Respectfully submitted,



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